

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street - 5th Floor
P.O. Box 45029
Newark, New Jersey 07101
Attorney for the State Board
of Medical Examiners

By: Carmen A. Rodriguez
Deputy Attorney General
Tel. (973) 648-3696

FILED

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**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF

ZEV FAINSILBER, M.D.
License No. MA51627

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Medical Examiners ("Board") upon receipt of information that on or about November 18, 2006, the Arizona Medical Board ("Arizona Board"), filed a Letter of Reprimand alleging that Zev Fainsilber, M.D. ("Respondent") failed to appropriately refer a patient with suspected melanoma, engaged in inappropriate contact with a patient, and made false statements in patient F.B.'s records. Specifically, the Arizona Board alleged that Respondent engaged in conduct or practice which is or might be harmful or dangerous to the

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health of the patient or public as defined in A.R.S. § 32-1401(27)(q) by failing to properly refer a patient with suspected melanoma, by engaging in sexual contact with a current patient or with a former patient within six months after the last medical consultation, where 'Sexual Conduct' includes: (ii) making sexual advances, requesting sexual favors or engaging in other verbal conduct or physical contact of a sexual nature, as defined in A.R.S. § 32-1401(27)(z), by making inappropriate contact with the patient in his physical examination and his telephone call made after business hours. Additionally, the Arizona Board alleged that Respondent knowingly made false or fraudulent statements, written or oral, in connection with the practice of medicine as defined in A.R.S. § 32-1401(27)(t) by making false statements and omissions in the patient's record regarding her possible melanoma.

On or about November 18, 2006, the Arizona Board entered an Order placing Respondent's license to practice as a physician on probation for a period of five (5) years and issuing a Letter of Reprimand. By entry of the Order, all of Respondent's interactions with female patients are to take place in the presence of another female licensed healthcare provider, who must be present in all settings, be employed by Respondent, or the hospital or clinic where he is treating the patient, document her presence by signing, dating, and legibly printing her name on the patient's chart at the time of the examination, and report any inappropriate behavior to Respondent and the Board. Additionally, Respondent was required to

immediately obtain a treating therapist, approved by Board staff, and remain in treatment with the therapist for boundary issues and psychosocial issues for a minimum of twenty-four (24) months and comply with the therapist's recommendations for continuing care and treatment. Respondent was also ordered to document satisfactory completion of fifteen (15) hours of Continuing Medical Education ("CME") in medical records. These CME hours are to be pre-approved by the Board and completed within six (6) months of the probation period and are in addition to the hours required for the biennial renewal of Respondent's medical license.

On or about December 7, 2006, the Arizona Board denied Dr. Fainsilber's Motion for Rehearing. The Board's Findings of Fact, Conclusions of Law, and Order for a Letter of Reprimand and Probation became effect and constitute a final administrative order.

The above disciplinary action taken by the sister state of Arizona provides grounds to take disciplinary action against Respondent's license to practice medicine and surgery in New Jersey pursuant to N.J.S.A. 45:1-21(e), in that, Respondent was found to have engaged in professional or occupational misconduct by a sister state agency.

It appearing that Respondent wishes to resolve this matter without formal proceedings and for good cause shown,

ACCORDINGLY, IT IS on this 8th day of August, 2007,

ORDERED AND AGREED THAT:

1. A formal reprimand is placed on Respondent's license to practice medicine and surgery in the State of New Jersey for professional misconduct in violation of N.J.S.A. 45:1-21(e).

2. Respondent shall not engage in the practice of medicine and surgery in New Jersey until such time as he has demonstrated that he has an active, unrestricted license in the State of Arizona.

3. Prior to Respondent engaging in the active practice of medicine and surgery in the State of New Jersey, he shall appear before the Board of Medical Examiners or a committee thereof to demonstrate that he has completely satisfied the conditions placed on his license to practice medicine in Arizona and, that his Arizona license is active and unrestricted and that he is fit to practice medicine and surgery in New Jersey. Commencement of active practice may be subject to conditions the Board deems protective.

4. Respondent agrees that any violation of this Consent Order, or the Order of the Arizona Medical Board, may serve as the basis for further disciplinary action pursuant to N.J.S.A. 45:1-21, including revocation or suspension of his Jersey license to practice medicine and surgery.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By: Karen Criss V.P. Board
Karen Criss, RN, CNM
Board Vice President

I have read and understand the
within Consent Order. I hereby
agree to be bound by the terms
of the within Consent Order.
Consent is hereby given to the
Board to enter into this Order.

Zev Fainsilber M.D.

07.10.07
Date

Consent as to form and entry:

_____, Esq.

Date

**NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS**

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.